IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)
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Bokhari et al.	) Art Unit: 2173
	)
Application No. 09/902,929	) Examiner: Roswell, Michael
	)
Filed: 07/10/2001	) Atty. Docket No.:
	) NVIDP376/P002188
For: SYSTEM, METHOD, AND	)
COMPUTER PROGRAM PRODUCT	) Date: 02/14/2007
FOR A CONTENT PUBLISHER	)
FOR WIRELESS DEVICES	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

REPLY BRIEF (37 C.F.R. § 41.37)

This Reply Brief is being filed within two (2) months of the mailing of the Examiner's Answer mailed on 12/15/2006.

Following is an issue-by-issue reply to the Examiner's Answer.

<u>Issue # 1:</u>

The Examiner has rejected Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, and 38-39 under 35 U.S.C. 103(a) as being anticipated by the Firepad FireViewer Suite User's Guide, registered 7 March 2000, hereinafter Firepad, in view of "Palm Programming," by Glenn Bachmann, hereinafter Bachmann.

Group #1: Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, and 38-39

With respect to independent Claims 1, 10, 19, and 38, the Examiner has relied upon pages 21-23 in Firepad to make a prior art showing of appellant's claimed technique for "allowing organization of the content; allowing formatting of the content; allowing creation of a link to content; allowing addition of text for output on the wireless device; outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other" (see this or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Examiner's argument that the Firepad excerpt discloses the organization of the content being "performed automatically by the FireViewer of pp. 21-23 that allows selection and viewing of content by content type" is erroneous on several points.

First, what is disclosed in Firepad at pp. 21-23 is not really *allowing* organization of the content. Rather, it appears that icons for the various content items (image, hypertext document, video) appear to the left on the Main View. In the images example, images are indicated by a flame icon to the left on the Main View. Page 21 of Firepad suggests that the user can select an image by tapping and releasing the image name from the Main View. In the hypertext documents example, documents are indicated by a document icon to the left on the Main View. The user can select a document by tapping and releasing the document name from the Main View, as disclosed on page 22 of Firepad. In the videos example, videos are indicated by a document icon to the left on the Main View. Per page 23 of Firepad, the user can select a video by tapping and

releasing the video name from the Main View. Thus, the icons are present on the Main View, but Appellant has been unable to find any indication that Firepad allows anyone or anything to organize the icons, much less the content. Rather, it appears that the icons are merely present to the left of the Main View in no particular order, and there is certainly no disclosure or suggestion that the content represented by the icons are organized in a manner where someone or something has been *allowed* to organize them.

Second, the rejection appears to insinuate that because a user can view content by content type, then FireViewer must somehow organize the content by content type. Again, as mentioned above, the content is represented by icons on the left of the Main View. No organization of the content is suggested. The type of content is indicated by the type of icon. However, the mere fact that a user can open a document by selecting a document icon does not mean that the content is organized in any particular manner.

Third, assuming arguendo that FireViewer does in fact *automatically* organize the content as stated in the rejection, then it cannot be said that FireViewer *allows* organization of the content as required by the claim. Rather, by automatically organizing the content, FireViewer in actuality would not *allow* organization of the content, it would simply do it.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that "Firepad teaches a system for the display of content related to a wireless media device, including a preview of the content substantially as it will be viewed on the wireless device." Further, the Examiner has argued that "Firepad has been shown to teach performing organization of content automatically by the use of the FireViewer of pages 21-23, that allows selection and viewing of content by content type." In addition, the Examiner has argued that 'the language of the claims do not necessitate that any organization of content be done by a user or through user manipulation, and maintains that as the Firepad reference teaches the organization of content through the use of the cited content icons, organization is inherently "allowed" by the system.'

Appellant respectfully disagrees with the Examiner's arguments and asserts that Firepad merely discloses that "[i]mages are indicated by a flame icon to the left" (Page 21 – View Images section). Further, Firepad discloses to "[t]ap and release the image name from Main View to

view the image," and to "[t]ap and hold the image name to get a popup menu with these entries: View, Preview, Note, Details, Beam, Rename, Delete and (Reload is present in downloaded images)" (Page 21 -- View Images section). In addition, Firepad discloses that "[j]ust as on the main screen view, tapping or tapping and holding on an image causes a popup menu to appear with these entries: Zoom Out, Details, Note, Beam, Book-mark, Delete, and Home" (Pages 21-22 -- View Images section - emphasis added). However, the mere disclosure of tapping and releasing an image name to view the image, tapping and holding to get a popup menu, and tapping or tapping and holding an image to get a popup menu, as in Firepad, simply fails to even suggest "allowing organization of the content" (emphasis added), as claimed by appellant. Appellant respectfully emphasizes that there is clearly no organization taught in the excerpt from Firepad relied on by the Examiner, especially since such excerpt from Firepad only teaches selectable options (i.e. view, details, etc.) associated with a image.

Further, appellant respectfully disagrees with the Examiner's inherency argument that 'Firepad reference teaches the organization of content through the use of the cited content icons, organization is inherently "allowed" by the system.' In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Additionally, in response, appellant asserts that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

As argued previously, the section of Firepad cited in the rejection to anticipate the requirement of allowing organization of content discusses FireViewer, which is resident on the device, not on a management screen as claimed.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that "the claim language fails to necessitate the separation of the management screen from the resident device." Appellant respectfully disagrees and asserts that Firepad merely discloses to "[t]ap and hold the image name to get a popup menu with these entries:...Preview..." (see Page 21). However, only generally disclosing previewing an image, as in Firepad, does not specifically suggest "displaying content **selected for output** on a wireless device on a management screen, wherein the content is displayed **substantially** as it will be displayed on the wireless device" (emphasis added), as claimed by appellant. Clearly, only generally teaching previewing an image on a handheld device screen, as in Firepad, fails to suggest substantially displaying content "as it **will be displayed** on the wireless device," let alone any sort of "organization of the content" (emphasis added), in the manner as claimed by appellant. Given such emphasized context, the claimed management screen is clearly separate from the wireless device.

As further argued previously, nowhere does Firepad or Bachmann teach or suggest that once someone or something is *allowed* to organize the content, the content *as organized* is shown on a preview of a display screen of the device.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that 'the Firepad reference teaches the organization of content through the use of the cited content icons, [and that] organization is inherently "allowed" by the system.' The Examiner has further argued that "Firepad has been shown to teach the display of a preview of the organized content on a display screen of the device at page 12 [excerpted below], and notes that the Palm OS Emulator (POSE) as taught by Bachmann is essentially wireless device preview software."
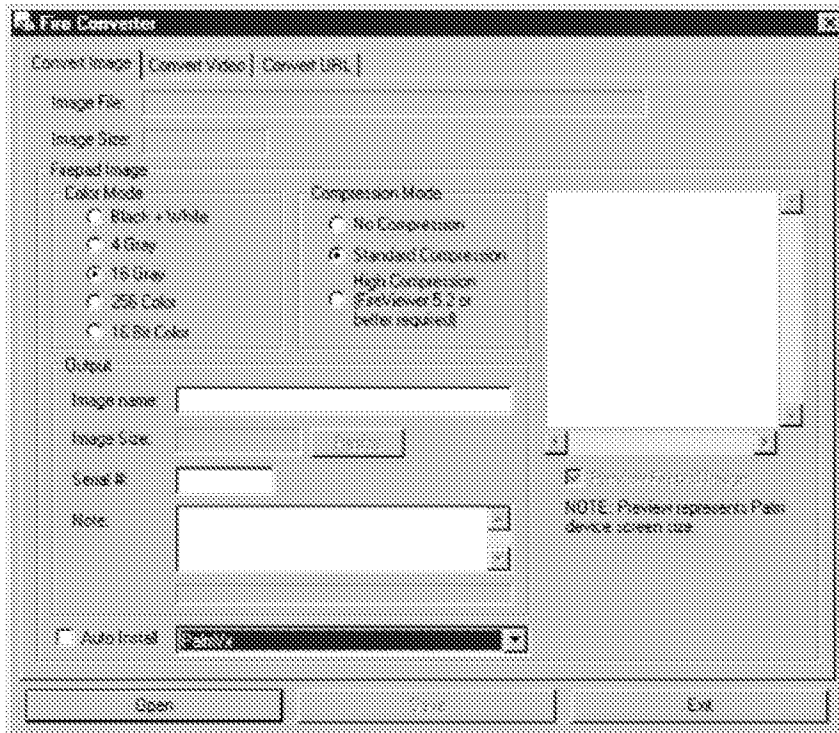
(Firepad, Page 12)

Appellant respectfully disagrees with the Examiner's arguments and asserts that Firepad merely discloses that "FireConverter is the desktop program that converts large images from popular graphics formats (JPEG, GIF, TIFF, BMP and PNG) to FireViewer images and AVI and MOV files into FireViewer videos" (Page 11 – Using FireConverter section – emphasis added). Further, Firepad discloses to "[c]heck the preview box to see what the converted image will look like" (Page 13 – Convert Image section) and that the "[p]review represents Palm device screen size" (Page 12 – Fire Converter Image section – emphasis added). In addition, Bachmann discloses that "[t]he Palm OS Emulator, or POSE,... provides an emulation of the Palm OS on both Windows and Macintosh platforms" (Bachmann, Page 38 – The Palm OS Emulator section).

However, the mere disclosure that FireConverter converts large images from popular graphics formats to FireViewer images and a preview box to see what converted images will look like on a Palm device screen size, as in Firepad, simply fails to even suggest "allowing organization of the content" where the "content [is] selected for output on a wireless device" and a "preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device [is output]" (emphasis added), in the context claimed by

appellant. Clearly, converting an image from one format to another, as in Firepad, fails to suggest "allowing organization of the content" (emphasis added), as claimed by appellant. In addition, displaying a converted image using the POSE software of Bachmann still fails to suggest "allowing organization of the content" (emphasis added), in the context as claimed by appellant.

Further, in response to the Examiner's inherency argument, again, appellant respectfully disagrees and asserts that in view of the arguments made hereinabove, any such inherency argument has been adequately rebutted.

Finally, even if Bachmann's preview capabilities were added to Firepad, the combination would still not meet the claims, because FireViewer is unable to depict organized and formatted textual and graphical content simultaneously on one screen.

In the Advisory Action mailed 04/19/2006, the Examiner argued that 'Firepad p.22 discloses "the options to change the image's category and set the image as private," as well as renaming a hypertext document.' The Examiner continued to argue that "[t]hese actions are organizational actions, and therefore allow Firepad users to organize content." However, appellant respectfully asserts that the "options to change the image's category and set the image as private" merely refer to the image details. Firepad discloses on page 22 that "[t]he Image Details dialog box presents information about the image such as the Width, Height, Size and Type." Appellant asserts that merely setting such image details simply fails to suggest the technique for "allowing organization of the content" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that 'the argued limitation "allowing organization of the content" is fairly broad in scope and open to the reasonable interpretation of the examiner, who maintains that changes in content flags or image parameters are organizational actions.'

Appellant respectfully disagrees and asserts that Firepad merely discloses that "FireConverter is the desktop program that converts large images from popular graphics formats (JPEG, GIF, TIFF, BMP and PNG) to FireViewer images" (Page 11 – Using FireConverter section –

emphasis added). Further, Firepad discloses to "[i]nclude any notes you want with your image in the note box" as "[t]hese notes can be found in the details when viewing an image in FireViewer" (Page 13 – Convert Image section – emphasis added). However, the mere disclosure that FireConverter converts large images from popular graphics formats to FireViewer images, and that notes in the note box are found in the details when viewing an image in FireViewer, as in Firepad, simply fails to even suggest "allowing organization of the content" (emphasis added), as claimed by appellant. Clearly, notes found in details while viewing images, as in Firepad, simply fails to suggest "allowing organization of the content" (emphasis added), as claimed by appellant.

Further, in the Advisory Action mailed 04/19/2006, the Examiner argued that "Firepad teaches the ability to convert hypertext documents, which are notoriously well-known in the art to include both graphical and textual information." Appellant respectfully disagrees with this assertion, especially in view of the specific context of appellant's claim language. First, in the Office Action mailed 01/30/2006, the Examiner admitted that "Firepad fails to explicitly teach a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the screen of the wireless device relative to each other." Further, appellant agrees that the cited excerpts from the Firepad reference simply fail to even suggest a "preview including both textual and graphical content simultaneously" (emphasis added), as claimed by appellant.

In addition, pages 38-39 from Bachmann merely disclose the Palm OS Emulator, POSE. Appellant respectfully asserts that POSE allows for "emulation of the Palm OS… so you can run, test, and debug your application without downloading it to a Palm device." However, emulating the Palm OS ROM with POSE simply fails to even suggest "a preview including both textual and graphical content simultaneously" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that "the above assertion that the Palm OS Emulator (POSE) as taught by Bachmann is essentially wireless device preview software" and "[a]s Palm OS is well-known to include graphical images such as application icons, and their related textual labels, Bachmann must teach a preview including both textual and graphical content simultaneously."

Appellant respectfully disagrees and asserts that Bachmann merely discloses that "[t]he Palm OS Emulator, or POSE, ... provides an emulation of the Palm OS on both Windows and Macintosh platforms" and that "[t]o use POSE, you need a ROM just like the physical Palm device needs a ROM" (Page 38 – The Palm OS Emulator section – emphasis added). However, a Palm OS emulator that needs a ROM just like the physical Palm device to provide an emulation of the Palm OS, as in Bachmann, simply fails to even suggest "a preview including both textual and graphical content simultaneously" (emphasis added), in the manner as claimed by appellant. Further, an emulation of the Palm OS, as in Bachmann, simply fails to suggest "a preview of a display screen," in the manner as claimed by appellant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*,947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 2:

The Examiner has rejected Claims 2, 28-29, 32, 34-35, and 40 under 35 U.S.C. 103(a) as being unpatentable of Firepad in view of Bachmann, in further view of Martin, Jr. et al. (U.S. Patent No. 6,610,105), hereinafter Martin.

   Group #1: Claims 28-29, 32, 34-35, and 40

With respect to independent Claims 28 and 40, the claims include limitations similar (but not necessarily identical) to those of Claim 1 argued in Issue # 1, Group #1. Accordingly, Claims 28 and 40 are deemed allowable at least for similar reasons.

Further, appellant respectfully asserts that pages 15-16 in Firepad disclose only providing web archive support. As noted there, web pages are prepared for storage on the device itself and must be stored on the device prior to selection of the link. However, appellant asserts that the excerpts from Firepad relied upon by the Examiner simply fail to suggest a technique "wherein <u>selection of one of the links on the wireless device</u> causes <u>additional content to be downloaded to the wireless device</u> from a remote data source and output on the wireless device" (emphasis added), as claimed by appellant.

In addition, Firepad further fails to teach or suggest a technique "wherein the user is allowed to access the web search service from the wireless device," as claimed by appellant.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that "the rejection of claim 28 acknowledges the deficiency of Firepad and Bachmann in this area, turning to the Martin reference for such a teaching," that "as cited above, the navigation of the Internet allows for the accession of a multitude of search services (Yahoo!, Google, etc.), [and that] it is inherent that such navigation allows for the user to access a web search service on the wireless device."

Appellant respectfully disagrees and asserts that Col. 2, lines 47-56; and Col. 1, line 63 – Col. 2, line 8 in Martin merely disclose "<u>receiving a request for the web page from a requestor</u>; determining device characteristics of a mobile device used by the requestor; retrieving menu information based on the device characteristics of the mobile device used by the requester; <u>producing the navigation aid</u> based on the menu information, the navigation aid being in a format suitable for the mobile device; and <u>forwarding the web page including the navigation aid to the requester</u>" (emphasis added).

However, receiving a request for a web page from a requestor, and forwarding the web page including a navigation aid to the requestor, as in Martin, simply fails to even suggest a technique "wherein <u>selection of one of the links on the wireless device</u> causes <u>additional content to be</u>

downloaded to the wireless device from a remote data source and output on the wireless device" (emphasis added), as claimed by appellant. Clearly, forwarding a navigation aid with the web page after the request, as in Martin, simply fails to suggest that "a selection of one of the links on the wireless device causes additional content to be downloaded to the wireless device" (emphasis added), in the manner as claimed by appellant.

Further, appellant respectfully disagrees with the Examiner's argument that "the navigation of the Internet allows for the accession of a multitude of search services (Yahoo!, Google, etc.), [and] it is inherent that such navigation allows for the user to access a web search service on the wireless device." Appellant respectfully asserts that Martin discloses "a mobile navigation metaphor is provided to yield similar navigation experiences on both mobile devices and personal computers" and that "a central content server is able to return requested content to requesters in a format suitable for their device" (Col. 2, lines 38-42). Moreover, appellant respectfully points out that the mobile navigation metaphor in Martin is merely "an image representation of a display screen of a mobile device" (Col. 8, lines 29-31). However, the mobile navigation metaphor and a central content server, as disclosed in Martin, fail to suggest a specific technique "wherein the user is allowed to access the web search service from the wireless device," as claimed by appellant.

In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

    Group #2: Claim 2

With respect to dependent Claim 2, the Examiner has relied upon Fig. 3A, and Col. 8, lines 17-26 in Martin to make a prior art showing of appellant's claimed technique "wherein the content is first aggregated in a habitat having views, each of the views having at least one window

associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device."

Appellant respectfully asserts that the Figure and excerpt from Martin disclose that "the image representation associated with the mobile navigation metaphor 302 reflects enough of the details of what is depicted on the display screen of the mobile device so that a user is provided with a similar navigation experience regardless of whether using the PC or the mobile device" (emphasis added). However, merely representing enough of the details simply fails to disclose a technique "wherein each view of the habitat represents content to be displayed in a particular view on the wireless device" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 12/15/2006, the Examiner has argued that 'the limitation "at least a portion of the content associated with each view" is present in claim 2' and '[t]herefore, the views of Martin need not disclose the display of all relevant content, and the examiner maintains that "enough of the details" as taught by Martin is analogous to "at least of portion of the content" as claimed, and would serve to represent the content to be displayed in a particular view.'

Appellant respectfully disagrees and asserts that Col. 8, lines 17-26, and Figure 3 in Martin relied upon by the Examiner merely teaches that "the mobile navigation metaphor 302 should provide a sufficiently similar impression to a user of the mobile device" where "the image representation associated with the mobile navigation metaphor 302 reflects enough of the details of what is depicted on the display screen of the mobile device so that a user is provided with a similar navigation experience regardless of whether using the PC or the mobile device" (Col. 8, lines 38-45 – emphasis added).

However, the mere disclosure that the image representation reflects enough of the details of what is depicted on the display screen of the mobile device, as in Martin, simply fails to even suggest a technique "wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each

view of the habitat represents content **to be displayed** in a particular view on the wireless device" (emphasis added), in the manner as claimed by appellant. Clearly, a navigation metaphor reflecting enough of the details of what is depicted on the display screen of the mobile device, as in Martin, fails to even suggest that "each view of the habitat represents content **to be displayed** in a particular view **on** the wireless device" (emphasis added), in the manner as claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 3:

The Examiner has rejected Claims 5-6, 8, 14-15, 17, 23-24, 26, 30-31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Shinbori (U.S. Patent No. 4,661,000).

Group #1: Claims 5-6, 8, 14-15, 17, 23-24, and 26

Appellant respectfully asserts that such claims are not met by the prior art for at least the reasons argued with respect to Issue #1, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claims 30-31, and 33

Appellant respectfully asserts that such claims are not met by the prior art for at least the reasons argued with respect to Issue #2, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 4:

The Examiner has rejected Claims 36-37 under 35 U.S.C. 103(a) as being unpatentable over Firepad.

> *Group #1: Claims 36-37*

With respect to independent Claim 36, the Examiner has argued "that it would have been obvious ... to include a navigation tree for switching between views." Appellant respectfully asserts that the excerpts from Firepad simply fail to disclose a technique for "allowing linking from one window in one view to another window in another view using the navigation tree," as claimed by appellant.

In the Examiner's Answer mailed 12/15/2006, the Examiner has agreed that "Firepad is admittedly deficient in this area," and "has instead relied upon notoriously well-known teachings, such as Microsoft Explorer, to provide the missing limitations."

It appears that the Examiner has attempted to combine the teachings of Microsoft Explorer with that of Firepad to meet appellant's claims.

First, it is noted that the Examiner has never complied with appellant's request for a specific prior art showing. Microsoft Explorer, generally speaking, has numerous versions some of which pre- or post-date appellant's effective date. Thus, without any specific showing of the "Microsoft Explorer" on which the Examiner is relying, any resulting rejection is unsustainable.

Second, it is noted that the Examiner fails to cite specific motivation in the above references to support the case for combining the same. The Examiner is reminded that the Federal Circuit

requires that there must be some logical reason apparent from the evidence of record that would justify the combination or modification of references. In re Regel, 188 USPQ 132 (CCPA 1975).

Most importantly, assuming *arguendo* that there was a motivation to combine the teachings of some proper version of Microsoft Explorer with Firepad, appellant respectfully asserts that merely disclosing the existence of navigation trees (as alleged by the Examiner) simply fails to rise to the level of specificity of appellant's claimed "allowing linking from one window in one view to another window in another view using the navigation tree" (emphasis added), as claimed.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 5:

The Examiner has rejected Claims 41-44 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Bachmann, in view of Martin, in further view of Maes et al. (U.S. Patent No. 6,016,476), hereinafter Maes.

Group #1: Claims 41-42

Appellant respectfully asserts that such claims are not met by the prior art for at least the reasons argued with respect to Issue #2, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claims 43-44

Appellant respectfully asserts that such claims are not met by the prior art for at least the reasons argued with respect to Issue #1, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NVIDP376).

Respectfully submitted,

By: /KEVINZILKA/   Date: February 14, 2007

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